

1 Matthew B. Lehr (Bar No. 213139)
2 Suong T. Nguyen (Bar No. 237557)
3 David J. Lisson (Bar No. 250994)
4 Chung G. Suh (Bar No. 244889)
5 Jeremy Brodsky (Bar No. 257674)
DAVIS POLK & WARDWELL LLP
6 1600 El Camino Real
Menlo Park, California 94025
Telephone: (650) 752-2000
Facsimile: (650) 752-2111

7 Attorneys for Plaintiff
8 Tyco Healthcare Group LP d/b/a
VNUS Medical Technologies

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 TYCO HEALTHCARE GROUP LP d/b/a VNUS MEDICAL TECHNOLOGIES,) LEAD CASE NO. C08-03129 MMC
12) CASE NO. C08-03129 MMC
13 Plaintiff,)
14 v.)
15 BIOLITEC, INC., DORNIER MEDTECH AMERICA, INC., and NEW STAR LASERS,)
16 INC. d/b/a COOLTOUCH, INC..)
17 Defendants.)
18)
19)
20 TYCO HEALTHCARE GROUP LP d/b/a VNUS MEDICAL TECHNOLOGIES,) CASE NO. C08-04234 MMC
21) (consolidated with C08-3129 MMC)
22 Plaintiff,)
23 v.)
24 TOTAL VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN SYSTEMS,)
25 Defendant.)
26)
27)
28)

[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION AND AMENDED MOTION FOR ADMINISTRATIVE RELIEF TO FILE DOCUMENTS UNDER SEAL (D.I. 176 & 195)

[CIVIL L.R. 7-11, 79-5(d)]

1 Before the Court is the Defendants' Motion and Amended Motion for Administrative Relief
 2 to File Documents Under Seal dated June 25 and June 28, 2010, by which Defendants seek leave to
 3 file under seal unredacted versions of certain documents submitted in support of a Motion for
 4 Summary Judgment that the '084 Patent Claims are Obvious ("Defendants' § 103 Brief"), a Motion
 5 for Summary Judgment that the Asserted '433 and '970 Claims are Invalid for Lack of Written
 6 Description ("Defendants' § 112 Brief"), and a Motion for Summary Judgment of No Contributory
 7 Infringement ("TVS's Brief") (collectively, "Defendants' Briefs"). Having reviewed the parties'
 8 submissions filed in support of the motion, the Court rules as follows:

9 1. The motion is GRANTED in part, specifically, as to the following documents that
 10 plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed July 1, 2010),
 11 ~~each of which the Clerk is directed to file under seal:~~ each of which the requesting party is
 12 directed to file under seal, no later than five calendar days from the date of this order. See General
 13 Order 62 ("If a motion to file under seal is granted in full or in part, the requesting party will e-file
 14 the document according to the procedures outlined in the FAQs on the ECF website.").
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- 16 • Exhibits 12, 13 (bates-stamped page VNUS_143788), 20 (bates-stamped pages
 17 VNUS_145041-42), 21, 29 (transcript pages 71-73), 30, 31, 38, 42 (bates-stamped
 18 pages VNUS001123-24), 43-45, 48, 49, 50 (transcript pages 3-4, 86), 55-57, 60, and
 19 62-65 to the Declaration of Charles Steenburg in Support of Defendants' § 103 Brief
 20 and Defendants' § 112 Brief, filed on June 25, 2010
- 21 • Exhibit P (transcript pages 3-6) to the Declaration of John K. Buche in Support of
 22 TVS's Brief, filed on June 25, 2010
- 23 • Redacted pages 2 (lns. 14-16), 5 (lns. 10-25), and 8 (lns. 4-5) of Defendants' § 112
 24 Brief, filed on June 25, 2010
- 25 • Redacted pages 6 (lns. 19-21), 9 (lns. 16-18), 14 (lns. 14-17), 19 (fn. 11), 20 (lns.
 26 15-18, 21-25), and 21 (lns. 6-10) of Defendants' § 103 Brief, filed on June 25, 2010
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2. The motion is DENIED in part, specifically, as to the following documents, in light of plaintiff's having withdrawn its prior designation of confidentiality, ~~and the Clerk is directed to file such documents in the public record~~: each of which the requesting party is directed to file in the public record no later than five calendar days from the date of this order.

- Exhibits 6, 34, 35, 41, 47, and 54 to the Declaration of Charles Steenburg in Support of Defendants' § 103 Brief and Defendants' § 112 Brief, filed on June 25, 2010
- Exhibits Q, DD, and MM to the Declaration of John K. Buche in Support of TVS's Brief, filed on June 25, 2010
- Designated portions of Defendants' Briefs not identified above.

IT IS SO ORDERED.

Dated: July 12 2010

/s/ Vaughn R Walker for
HON. MAXINE M. CHESNEY
United States District Judge